IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

CRP.No. 671 of 2007()

OPEA.116/2002 of ADDL.D.C. & ADDL.MACT,ALAPPUZHA.

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REVN. PETITIONER: 1ST RESPONDENT:

THE MANAGING DIRECTOR,
POWER GRID CORPORATION OF INDIA LTD.,
NANGIARKULANGARA P.O., HARIPAD.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS: PETITIONER:

SASIKALA,
POLIKAYIL VEEDU, PANAYIL, PALAMEL VILLAGE.

BY ADV. SRI.PHILIP M.VARUGHESE

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NOs. 671, 672

& 754 OF 2007

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Dated this the 7th day of December, 2007.

O R D E R

CRP 671/07 is preferred against the award of the Addl. District Judge, Alappuzha in O.P.(EA)116/02, CRP 672/07 is preferred against O.P.(EA)248/02 and CRP 754/07 is preferred against O.P.(EA)335/02. In O.P.(EA)116/02 the Court below has awarded an additional compensation of Rs.80,982. In O.P.(EA)248/02, the compensation awarded is Rs.14,495/- and in O.P.(EA)335/02 the additional compensation awarded is Rs.93,660/-. The learned counsel for the revision petitioner has brought to my attention the decision of the Apex Court in ***K.S.E.B. v. Livisha (2007 (3) KLT page 1***). In that case the Apex Court has taken the view that each case has to be taken and considered on the facts and circumstances of that case and therefore remitted back all the cases for fresh consideration. The Apex Court has given the following guidelines;

> "The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used. So far as the compensation in relation to fruit bearing trees are concerned the same would also depend upon the facts and circumstances of each case."

2. In the light of the decision referred to above it has to be held that the matter requires reconsideration and also additional evidence may be required for disposing of the matters in accordance with law. Therefore, all awards in challenge are set aside and the matters are remitted back to the Court below for fresh consideration after affording equal opportunities to all the parties to produce documentary as well as oral evidence in support of their respective

contentions and then dispose of the matter in the light of the principles laid down in the above said decision of the Apex Court. The parties are directed to appear before the Court below on 19.1.2008.

The C.R.Ps. are disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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